

CHAPTER Env-Wt 100 ORGANIZATIONAL RULES

REVISION NOTE #1:

Document #5536, effective 12-23-92, made extensive changes to the wording and numbering of rules containing definitions in Part Wt 101 in Chapter Wt 100. Document #5536 superseded all prior filings for the sections in Part Wt 101 and Parts Wt 102 and Wt 103. Document #5536 contained many definitions which amended or incorporated definitions in Part Wt 601, which was subsequently repealed by Document #5551, effective 1-5-93.

The prior filings for former Part Wt 101 included the following documents:

- #2271, eff 1-10-83
- #2923, eff 12-10-84
- #2924, eff 12-11-84
- #3072, eff 7-26-85
- #4039, eff 4-10-86
- #4292, eff 7-13-87
- #4386, eff 3-10-88
- #5028, eff 12-20-90

Please note that some of the rules in former part Wt 101 had EXPIRED between 12-11-90 and 12-20-90.

REVISION NOTE #2:

Document #8340, effective 4-25-05, readopted, or readopted with amendments and renumbered, all the definitions in Part Wt 101. Document #8340 superseded all prior filings for the sections in this part.

The filings for former Part Wt 101 after Document #5536 and prior to Document #8340 included the following documents:

- #5739, eff 11-23-93
- #6199, eff 2-29-96
- #6404, INTERIM, eff 12-21-96, EXPIRED 4-20-97
- #6498-A, eff 4-23-97
- #7071, eff 8-13-99
- #7855, eff 3-21-03
- #8053, eff 2-28-04

REVISION NOTE #3:

Pursuant to a rules reorganization plan approved by the Director of the Office of Legislative Services on September 7, 2005, Department rules in Wt 100 filed under Document #8340, effective 4-25-05, or under prior documents that were still in effect, have been editorially renumbered with subtitle Env-Wt denoting the wetlands program area. The title Wt has been discontinued.

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PART Env-Wt 101 DEFINITIONS

Env-Wt 101.01 "100-year floodplain" means those areas identified as a 100-year floodplain on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

Source. #9713, *eff 5-12-10*

Env-Wt 101.02 "Abandoned" means the failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9713 (from Env-Wt 101.01 to Env-Wt 101.02)

Env-Wt 101.03 "Abutter" means any person who owns property immediately adjacent and contiguous to the property on which the project will take place. This does not include those properties across a public road. An abutter includes an owner of any flowage rights on or immediately adjacent to the property on which the project will take place. If the project is located on waterfront or another area which by its configuration would cause the project to affect non-contiguous properties, owners of those properties are considered as abutters. The term does not include the owner of a parcel of land located more than one-quarter mile from the limits of the proposed project.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9713 (from Env-Wt 101.02 to Env-Wt 101.03)

Env-Wt 101.04 "Accessory docking structure" means a structure supplementary to a dock or wharf that assists in securing watercraft or protecting the dock or watercraft such as, for example, an ice cluster, piling, boat lift, or canopy.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9713 (from Env-Wt 101.03 to Env-Wt 101.04)

Env-Wt 101.05 "Activity sponsor" means an entity, including, but not limited to a new hampshire department of transportation (NHDOT) maintenance district, a municipality, or the maintenance department of a railway or private roadway, proposing routine roadway or railway maintenance activities within jurisdictional surface waters and wetlands, including, but not limited to, existing culvert replacements, extensions, or orientations; headwall construction, repair, replacement, or stabilization; and roadside ditch maintenance.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9713 (from Env-Wt 101.04 to Env-Wt 101.05)

Env-Wt 101.06 "Applicant" means a person having an interest in the land on which a project is to be located that is sufficient for the person to legally proceed with the project who has applied for a permit, permit modification, waiver, or other approval pursuant to Env-Wt 200 through Env-Wt 800, or the duly-authorized agent of such a person.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9713 (from Env-Wt 101.05 to Env-Wt 101.06)

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Env-Wt 101.07 "Bank" means the transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope, or, for a wetland, where a line delineated in accordance with Env-Wt 301.01 indicates a change from wetland to upland.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.06 to Env-Wt 101.07)

Env-Wt 101.08 "Beach" means a sloping shore of a surface water body consisting of sand, gravel, or cobble extending from adjacent upland/wetland to or in a surface water body.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.07 to Env-Wt 101.08)

Env-Wt 101.09 "Boathouse" means a docking facility which has a permanent roof with or without sides covering the boat slip or slips.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.08 to Env-Wt 101.09)

Env-Wt 101.10 "Boat slip" means "boat slip" as defined by RSA 482-A:2,VIII, namely:

"(a) On water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.

(b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured."

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.09 to Env-Wt 101.10)

Env-Wt 101.11 "Bog" means a wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil and/or water conditions.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.10 to Env-Wt 101.11)

Env-Wt 101.12 "Breakwater" means a structure extending generally perpendicular from the shore into surface waters of the state that is designed to protect sections of shoreline, docks, wharves or anchorage areas from erosion or damage from waves or currents.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.11 to Env-Wt 101.12)

Env-Wt 101.13 "Bulkhead" means a vertical retaining wall built along a waterfront to contain fill.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.12 to Env-Wt 101.13)

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Env-Wt 101.14 "Bureau" means the wetlands bureau within the water division of the department of environmental services.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.13 to Env-Wt 101.14)

Env-Wt 101.15 "Canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.14 to Env-Wt 101.15)

Env-Wt 101.16 "Commercial use of structures" means use with compensation or other consideration to the owner of the structure(s). This includes but is not limited to, the transfer, lease, sale, rent, or other temporary or permanent conveyance, of an interest in such a structure when such action(s) is not also applied to the property to which it is appurtenant.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.15 to Env-Wt 101.16)

Env-Wt 101.17 "Commissioner" means the commissioner of the department of environmental services.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.16 to Env-Wt 101.17)

Env-Wt 101.18 "Compensatory mitigation" means creation of a new wetland, restoration of a wetland, or preservation of land to offset the impact of a project by replacing or partially replacing wetlands functions and values lost due to the project, or by substituting the value added to a wetland or wetland system for the functions or values lost.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.17 to Env-Wt 101.18)

Env-Wt 101.19 "Conservation area" means an area of land protected by a conservation easement that restricts the future use of the property in perpetuity.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.18 to Env-Wt 101.19)

Env-Wt 101.20 "Conservation commission" means a municipal body established under RSA 36-A with statutory standing before the department under RSA 482-A:11, III, which provides a local source of assistance to both the department and applicants.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.19 to Env-Wt 101.20)

Env-Wt 101.21 "Conservation project" means a project to access, maintain, or improve a conservation area.

Source. #9713, *eff* 5-12-10

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Env-Wt 101.22 "Continued agricultural use" means that a wetland has been used as cropland or pasture with sufficient frequency, and sufficient recentness, that the land has not reverted to a scrub-shrub wetland, emergent marsh, or forested wetland.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.20 to Env-Wt 101.22)

Env-Wt 101.23 "Corduroy road" means logs, limbs or branches placed to provide support for logging equipment crossing a wet area which has no standing water and no defined channels.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.21 to Env-Wt 101.23)

Env-Wt 101.24 "Council" means the wetlands council established by RSA 21-O:5-a.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.22 to Env-Wt 101.24)

Env-Wt 101.25 "Cribs" means an enclosure or framework of timber or prefabricated concrete which is securely fastened together and filled with stone ballast and which is typically used to support a structure in the water.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.23 to Env-Wt 101.25)

Env-Wt 101.26 "Cropland" means land used to produce plant species adapted for harvest, alone or in rotation with grasses and legumes, and includes areas dedicated to vegetables, grain, hay, pasture, fodder, sod, nursery stock, orchards and similar produce.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.24 to Env-Wt 101.26)

Env-Wt 101.27 "Department" means the department of environmental services.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9713 (from Env-Wt 101.25 to Env-Wt 101.27)

Env-Wt 101.28 "Design fetch" means the average of at least 11 radials evenly distributed across a 30 degree arc.

Source. #9094, *eff* 2-23-08; renumbered by #9713 (from Env-Wt 101.26 to Env-Wt 101.28)

Env-Wt 101.29 "Developed upland" means upland areas within the tidal buffer zone where:

(a) The natural soil and vegetation characteristics over a majority of the lot have been legally altered and have not returned to a natural state; and

(b) The area contains at least 2 of the following criteria:

- (1) Filled or excavated land;
- (2) Paved or graded land in use as a parking lot or a roadway;

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- (3) A lot occupied by residential or commercial buildings; or
- (4) A lot which is surrounded by residentially or commercially developed lots on at least 2 sides.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.26 to Env-Wt 101.27); renumbered by #9713 (from Env-Wt 101.27 to Env-Wt 101.29)

Env-Wt 101.30 "Director" means the director of the water division within the department.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.27 to Env-Wt 101.28); renumbered by #9713 (from Env-Wt 101.28 to Env-Wt 101.30)

Env-Wt 101.31 "Dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure is in the water or not.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.28 to Env-Wt 101.29); renumbered by #9713 (from Env-Wt 101.29 to Env-Wt 101.31)

Env-Wt 101.32 "Dock" as a verb means to secure watercraft adjacent to a structure.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.29 to Env-Wt 101.30); renumbered by #9713 (from Env-Wt 101.30 to Env-Wt 101.32)

Env-Wt 101.33 "Dolphin" means a rigid permanent structure installed in a beach, bank, or the bottom of a water body, for such purposes as securing watercraft or protecting an area from ice floes. Dolphins can be constructed with piles, pile clusters, caissons, concrete pillars, or structures of a similar nature.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.30 to Env-Wt 101.31); renumbered by #9713 (from Env-Wt 101.31 to Env-Wt 101.33)

Env-Wt 101.34 "Drainage swale" means a shallow vegetated trough where water flows during runoff and which is insufficient to create a defined channel or to maintain wetlands vegetation.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.31 to Env-Wt 101.32); renumbered by #9713 (from Env-Wt 101.32 to Env-Wt 101.34)

Env-Wt 101.35 "Dredge" means to dig, excavate, or otherwise disturb the contour or integrity of sediments in the bank or bed of a wetland, a surface water body, or other area within the department's jurisdiction.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.32 to Env-Wt 101.33); renumbered by #9713 (from Env-Wt 101.33 to Env-Wt 101.35)

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Env-Wt 101.36 "Dredge spoils" means material removed as the result of dredging.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.33 to Env-Wt 101.34); renumbered by #9713 (from Env-Wt 101.34 to Env-Wt 101.36)

Env-Wt 101.37 "Dune vegetation" means vegetation that is commonly found in sand dunes and includes but is not limited to:

- (a) Ammophila breviligulata (American Beach Grass);
- (b) Arenaria peploides (Seabeach Sandwort);
- (c) Artemesia stellarina (Dusty Miller);
- (d) Euphorbia polygonifolia (Seaside Spurge);
- (e) Hudsonia tomentosa (Beach Heather);
- (f) Hudsonia ericoides (Beach Heather);
- (g) Lathyrus japonica (Beach Pea);
- (h) Myrica pennsylvanica (Bayberry);
- (i) Prunus maritima (Beach Plum); and
- (j) Rosa rugosa (Salt Spray Rose).

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.34 to Env-Wt 101.35); renumbered by #9713 (from Env-Wt 101.35 to Env-Wt 101.37)

Env-Wt 101.38 "Ephemeral stream" means a watercourse that is located above the water table year-round and is not fed by groundwater, such that runoff from rainfall and snowmelt is the primary source of stream flow and so the stream has flowing water only during, and for a short duration after, precipitation or spring thaw events.

Source. #9713, *eff* 5-12-10

Env-Wt 101.39 "Erosion control" means the utilization of methods to contain soil particles and to prevent them from being displaced or washed down slopes by rainfall or run-off and include, but are not limited to:

- (a) Seeding;
- (b) Mulching; or
- (c) Using haybales, siltation fences, or impermeable material.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.35 to Env-Wt 101.36); renumbered by #9713 (from Env-Wt 101.36 to Env-Wt 101.39)

Env-Wt 101.40 "Excavate" means to dig, remove, or form a cavity or a hole in an area within the department's jurisdiction.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094

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(from Env-Wt 101.36 to Env-Wt 101.37); renumbered by #9713 (from Env-Wt 101.37 to Env-Wt 101.40)

Env-Wt 101.41 "Fetch" means the length of uninterrupted water surface over which the wind blows in a constant direction.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.37 to Env-Wt 101.38); renumbered by #9713 (from Env-Wt 101.38 to Env-Wt 101.41)

Env-Wt 101.42 "Fill" as a noun means any rock, soil, gravel, sand or other such material that has been deposited or caused to be deposited by human activity.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.38 to Env-Wt 101.39); renumbered by #9713 (from Env-Wt 101.39 to Env-Wt 101.42)

Env-Wt 101.43 "Fill" as a verb means to place or deposit materials in or on a wetland, surface water body, bank or otherwise in or on an area within the jurisdiction of the department.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.39 to Env-Wt 101.40); renumbered by #9713 (from Env-Wt 101.40 to Env-Wt 101.43)

Env-Wt 101.44 "Flats" means relatively level landforms composed of unconsolidated mineral and organic sediments, usually mud or sand, that are alternately flooded and exposed by the tides and that usually are continuous with the shore.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.40 to Env-Wt 101.41); renumbered by #9713 (from Env-Wt 101.41 to Env-Wt 101.44)

Env-Wt 101.45 "Float" means a platform anchored near a shoreline for watercraft, commercial or recreational use that is supported by buoyancy devices.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.41 to Env-Wt 101.42); renumbered by #9713 (from Env-Wt 101.42 to Env-Wt 101.45)

Env-Wt 101.46 "Functional assessment" means an evaluation of a wetland to determine the functions and values it performs within the context of the broader landscape for the purpose of establishing compensatory mitigation under Chapter Env-Wt 800.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.42 to Env-Wt 101.43); renumbered by #9713 (from Env-Wt 101.43 to Env-Wt 101.46)

Env-Wt 101.47 "Grandfathered status" means that a structure:

(a) Was in place before permit jurisdiction under RSA 482-A:3, I or its predecessor statute, RSA 483-A:1, I, took effect, which for areas in or adjacent to tidal waters means June 22, 1967 and for all other jurisdictional areas means July 2, 1969;

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- (b) Has remained unaltered in location, size and configuration; and
- (c) Has not been abandoned.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.43 to Env-Wt 101.44); renumbered by #9713 (from Env-Wt 101.44 to Env-Wt 101.47)

Env-Wt 101.48 "Highest observable tide line" means a line defining the farthest landward limit of tidal flow, not including storm events, that can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks farther flow of the tide.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.44 to Env-Wt 101.45); renumbered by #9713 (from Env-Wt 101.45 to Env-Wt 101.48)

Env-Wt 101.49 "Hydric soil" means soil that is saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.45 to Env-Wt 101.46); renumbered by #9713 (from Env-Wt 101.46 to Env-Wt 101.49)

Env-Wt 101.50 "Hydrophyte" means a plant adapted for life in water or saturated soils.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.46 to Env-Wt 101.47); renumbered by #9713 (from Env-Wt 101.47 to Env-Wt 101.50)

Env-Wt 101.51 "Intermittent stream" means a watercourse that is fed by groundwater but is not in the groundwater table throughout the year, with runoff from rainfall and snowmelt as a supplemental source of water for flow, such that it typically does not have flowing water during dry portions of the year.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.47 to Env-Wt 101.48); *ss and renumbered by #9713, eff 5-12-10* (from Env-Wt 101.48 to Env-Wt 101.51)

Env-Wt 101.52 "Jetty" means a structure extending generally perpendicular to the shore into tidal waters or a surface water body and designed to protect sections of shoreline, docks, wharves or anchorage areas from erosion or damage from waves or currents.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.48 to Env-Wt 101.49); renumbered by #9713 (from Env-Wt 101.49 to Env-Wt 101.52)

Env-Wt 101.53 "Jurisdiction" means the regulatory authority under RSA 482-A.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094

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(from Env-Wt 101.49 to Env-Wt 101.50); renumbered by #9713 (from Env-Wt 101.50 to Env-Wt 101.53)

Env-Wt 101.54 "Jurisdictional area" means an area that is subject to regulation under RSA 482-A, as described therein.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.50 to Env-Wt 101.51); renumbered by #9713 (from Env-Wt 101.51 to Env-Wt 101.54)

Env-Wt 101.55 "Maintenance of structures" means the repair or replacement of existing legal structures.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.51 to Env-Wt 101.52); renumbered by #9713 (from Env-Wt 101.52 to Env-Wt 101.55)

Env-Wt 101.56 "Major docking system" means a large and complex docking facility that requires utilization of more than 100 feet of waterfront or provides a total of 5 or more boat slips, including those previously existing and proposed.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.52 to Env-Wt 101.53); renumbered by #9713 (from Env-Wt 101.53 to Env-Wt 101.56)

Env-Wt 101.57 "Major project" means a project of such size and scope that it has the potential to create a significant impact on wetlands or waters of the state, pursuant to Env-Wt 303.02.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.53 to Env-Wt 101.54); renumbered by #9713 (from Env-Wt 101.54 to Env-Wt 101.57)

Env-Wt 101.58 "Marina" means a commercial waterfront facility whose principal use is the provision of publicly available services such as the securing, launching, storing, fueling, servicing and repairing of watercraft.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.54 to Env-Wt 101.55); renumbered by #9713 (from Env-Wt 101.55 to Env-Wt 101.58)

Env-Wt 101.59 "Marsh" means a wetland:

- (a) That is distinguished by the absence of trees and shrubs;
- (b) Dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and
- (c) Where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.55 to Env-Wt 101.56); renumbered by #9713 (from Env-Wt 101.56 to Env-Wt 101.59)

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Env-Wt 101.60 "Minimum impact project" means a minor project that by virtue of its size and nature is likely to have a negligible impact by itself or in the aggregate pursuant to Env-Wt 303.04, provided adequate measures are employed to protect the environment.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.56 to Env-Wt 101.57); renumbered by #9713 (from Env-Wt 101.57 to Env-Wt 101.60)

Env-Wt 101.61 "Minor project" means a project of such size, scope or nature that it has the potential of having more than a negligible impact upon wetlands or waters of the state or other areas within the department's jurisdiction pursuant to Env-Wt 303.03, unless adequate measures are employed to protect the environment.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.57 to Env-Wt 101.58); renumbered by #9713 (from Env-Wt 101.58 to Env-Wt 101.61)

Env-Wt 101.62 "Mooring" means a temporary, removable or permanent device, such as a buoy, to which watercraft can be secured.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.58 to Env-Wt 101.59); renumbered by #9713 (from Env-Wt 101.59 to Env-Wt 101.62)

Env-Wt 101.63 "Navigable frontage" means the frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.59 to Env-Wt 101.60); renumbered by #9713 (from Env-Wt 101.60 to Env-Wt 101.63)

Env-Wt 101.64 "Nontidal wetland" means a wetland not subject to periodic inundation by tidal waters.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.60 to Env-Wt 101.61); renumbered by #9713 (from Env-Wt 101.61 to Env-Wt 101.64)

Env-Wt 101.65 "Normal high water" for lakes or ponds means the full lake elevation as determined by the director.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.61 to Env-Wt 101.62); renumbered by #9713 (from Env-Wt 101.62 to Env-Wt 101.65)

Env-Wt 101.66 "Open pile construction" means piles installed far enough apart to allow free flow and passage of water and marine life.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.62 to Env-Wt 101.63); renumbered by #9713 (from Env-Wt 101.63 to Env-Wt 101.66)

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Env-Wt 101.67 "Pasture" means a form of cropland devoted to the production of native or introduced forage which is normally harvested by grazing.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.63 to Env-Wt 101.64); renumbered by #9713 (from Env-Wt 101.64 to Env-Wt 101.67)

Env-Wt 101.68 "Perennial stream" means a watercourse that is in the groundwater table for most of the year and so has groundwater as its primary source of water for stream flow, with runoff from rainfall and snowmelt as a supplemental source of water, so that it contains flowing water year-round during a typical year.

Source. #9713, *eff* 5-12-10

Env-Wt 101.69 "Permanent dock" means a dock in which the dock, its supports, or both are designed to remain in the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs in the water or can be cantilevered from the bank.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.64 to Env-Wt 101.65); renumbered by #9713 (from Env-Wt 101.65 to Env-Wt 101.69)

Env-Wt 101.70 "Permit action" means approval, approval with conditions, partial approval, or denial of an application for a permit pursuant to RSA 482-A.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.65 to Env-Wt 101.66); renumbered by #9713 (from Env-Wt 101.66 to Env-Wt 101.70)

Env-Wt 101.71 "Pier" means a docking structure built generally perpendicular to the shore intended for securing watercraft and/or for discharging and loading passengers, freight, and other goods.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.66 to Env-Wt 101.67); renumbered by #9713 (from Env-Wt 101.67 to Env-Wt 101.71)

Env-Wt 101.72 "Pile" means a long, slender column of timber, steel, concrete, stone, or other rigid material driven or jetted into a beach, bank or bottom of a water body.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.67 to Env-Wt 101.68); renumbered by #9713 (from Env-Wt 101.68 to Env-Wt 101.72)

Env-Wt 101.73 "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.68 to Env-Wt 101.69); renumbered by #9713 (from Env-Wt 101.69 to Env-Wt 101.73)

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Env-Wt 101.74 "Preservation" means the permanent protection of wetland and upland areas using legal and physical mechanisms so that the resource remains in a natural or undeveloped condition.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.69 to Env-Wt 101.70); renumbered by #9713 (from Env-Wt 101.70 to Env-Wt 101.74)

Env-Wt 101.75 "Primary vernal pool indicators" means the presence or physical evidence of breeding by marbled salamander, wood frog, spotted salamander, jefferson-blue spotted salamander complex, or fairy shrimp.

Source. #9131, *eff* 4-19-08; renumbered by #9713 (from Env-Wt 101.71 to Env-Wt 101.75)

Env-Wt 101.76 "Public hearing" means a public proceeding conducted for the purpose of acquiring information that will be considered in evaluating a proposed permit, a removal/restoration action, or both, and which affords the public the opportunity to present its views, opinions and information.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.70 to Env-Wt 101.71); renumbered by #9131 (from Env-Wt 101.71 to Env-Wt 101.72); renumbered by #9713 (from Env-Wt 101.72 to Env-Wt 101.76)

Env-Wt 101.77 "Repair" means the restoring of an existing legal structure by partial replacement of worn, broken, or unsound parts.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.71 to Env-Wt 101.72); renumbered by #9131 (from Env-Wt 101.72 to Env-Wt 101.73); renumbered by #9713 (from Env-Wt 101.73 to Env-Wt 101.77)

Env-Wt 101.78 "Replacement" means the substitution of a new structure for an existing legal structure with no change in size, dimensions, location, configuration, construction, or which conforms in all material aspects to the original structure.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.72 to Env-Wt 101.73); renumbered by #9131 (from Env-Wt 101.73 to Env-Wt 101.74); renumbered by #9713 (from Env-Wt 101.74 to Env-Wt 101.78)

Env-Wt 101.79 "Retaining wall" means a structure constructed generally parallel to and against the shoreline to sustain a bank or prevent erosion.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.73 to Env-Wt 101.74); renumbered by #9131 (from Env-Wt 101.74 to Env-Wt 101.75); renumbered by #9713 (from Env-Wt 101.75 to Env-Wt 101.79)

Env-Wt 101.80 "Revetment" means a sloped facing of layered stone, concrete, or other hard material built to protect a bank or embankments by dissipating wave energy.

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Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.74 to Env-Wt 101.75); renumbered by #9131 (from Env-Wt 101.75 to Env-Wt 101.76); renumbered by #9713 (from Env-Wt 101.76 to Env-Wt 101.80)

Env-Wt 101.81 "Rip-rap" means cobble-sized and boulder-sized rocks placed on a bank to prevent erosion.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.75 to Env-Wt 101.76); renumbered by #9131 (from Env-Wt 101.76 to Env-Wt 101.77); renumbered by #9713 (from Env-Wt 101.77 to Env-Wt 101.81)

Env-Wt 101.82 "Roadway" means a legally existing structure that is designed, constructed, or improved to provide and support safe passage for public or private vehicular traffic.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.76 to Env-Wt 101.77); renumbered by #9131 (from Env-Wt 101.77 to Env-Wt 101.78); renumbered by #9713 (from Env-Wt 101.78 to Env-Wt 101.82)

Env-Wt 101.83 "Rocker box" means a mechanical device used to separate gold and other minerals from lighter sediments.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.77 to Env-Wt 101.78); renumbered by #9131 (from Env-Wt 101.78 to Env-Wt 101.79); renumbered by #9713 (from Env-Wt 101.79 to Env-Wt 101.83)

Env-Wt 101.84 "Sand dune" means "sand dune" as defined by RSA 482-A:2, VII.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.78 to Env-Wt 101.79); renumbered by #9131 (from Env-Wt 101.79 to Env-Wt 101.80); renumbered by #9713 (from Env-Wt 101.80 to Env-Wt 101.84)

Env-Wt 101.85 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; *ss and renumbered by #9094, eff 2-23-08* (from Env-Wt 101.79 to Env-Wt 101.80); renumbered by #9131 (from Env-Wt 101.80 to Env-Wt 101.81); renumbered by #9713 (from Env-Wt 101.81 to Env-Wt 101.85)

Env- Wt 101.86 "Secondary vernal pool indicators" means physical evidence used by wildlife biologists or certified wetlands scientists who are familiar with vernal pool habitats as evidence of the presence of a vernal pool, if primary vernal pool indicators are absent and other vernal pool characteristics suggest vernal pool habitat. Secondary vernal pool indicators include, but are not limited to, caddisfly larvae and cases

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(Limnephilidae, Phryganeidae, or Polycentropodidae), clam shrimp and their shells (Laevicaudata, Spinicaudata), fingernail clams and their shells (Sphaeriidae), aquatic beetle larvae (Dytiscidae, Gyrinidae, Haliplidae, and Hydrophilidae), dragonfly larvae and exuviae (Aeshnidae, Libellulidae), spire-shaped snails and their shells (Physidae, Lymnaeidae), flat-spire snails and their shells (Planorbidae), damselfly larvae and exuviae (Coenagrionidae, Lestidae), and true fly larvae and pupae (Culicidae, Chaoboridae, and Chironomidae).

Source. #9131, *eff* 4-19-08; renumbered by #9713 (from Env-Wt 101.82 to Env-Wt 101.86)

Env-Wt 101.87 "Sedimentation controls" means silt fences, hay bales, and other methods utilized to trap water-borne sediment and provide protection against erosion until properly installed erosion controls can take effect.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.80 to Env-Wt 101.81); renumbered by #9131 (from Env-Wt 101.81 to Env-Wt 101.83); renumbered by #9713 (from Env-Wt 101.83 to Env-Wt 101.87)

Env-Wt 101.88 "Shoal" means a portion of a water body where the bottom is usually submerged, with insufficient depth to allow for safe navigation for some watercraft.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.81 to Env-Wt 101.82); renumbered by #9131 (from Env-Wt 101.82 to Env-Wt 101.84); renumbered by #9713 (from Env-Wt 101.84 to Env-Wt 101.88)

Env-Wt 101.89 "Shoreline frontage" means the average of the distances of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the normal high water line.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.82 to Env-Wt 101.83); renumbered by #9131 (from Env-Wt 101.83 to Env-Wt 101.85); renumbered by #9713 (from Env-Wt 101.85 to Env-Wt 101.89)

Env-Wt 101.90 "Significant environmental impact" means that a proposed project is classified as a major project in accordance with Env-Wt 303.02 and the jurisdictional resources to be impacted by the proposed project are an important physical component of a wetland ecosystem or coastal zone ecosystem.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.83 to Env-Wt 101.84); renumbered by #9131 (from Env-Wt 101.84 to Env-Wt 101.86); renumbered by #9713 (from Env-Wt 101.86 to Env-Wt 101.90)

Env-Wt 101.91 "Siltation curtain" means an impervious barrier erected to prevent silt and sand and/or fines from being washed into a wetland, surface water body or other area of concern.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.84 to Env-Wt 101.85); renumbered by #9131 (from Env-Wt 101.85 to Env-Wt 101.87); renumbered by #9713 (from Env-Wt 101.87 to Env-Wt 101.91)

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Env-Wt 101.92 "Sluice" means an inclined trough to conduct water to a rocker box for separating gold and other minerals from lighter sediments.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.85 to Env-Wt 101.86); renumbered by #9131 (from Env-Wt 101.86 to Env-Wt 101.88); renumbered by #9713 (from Env-Wt 101.88 to Env-Wt 101.92)

Env-Wt 101.93 "Stream crossing" means a structure placed within a watercourse or on its associated upland or wetland approaches, or both, that is intended to provide human, animal, or vehicular passage over the watercourse.

Source. #9713, *eff* 5-12-10

Env-Wt 101.94 "Stream restoration" means the process of converting an unstable, altered, or degraded watercourse, including adjacent riparian zone and flood-prone areas, to a natural condition as found in reaches of the stream that have not been altered by human disturbances.

Source. #9713, *eff* 5-12-10

Env-Wt 101.95 "Structure" means "structure" as defined by RSA 482-A:2, IX.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.86 to Env-Wt 101.87); renumbered by #9131 (from Env-Wt 101.87 to Env-Wt 101.89); renumbered by #9713 (from Env-Wt 101.89 to Env-Wt 101.95)

Env-Wt 101.96 "Substantial public interest" means where the jurisdictional resources to be impacted by the proposed project are of special value from a local, regional, or state perspective and issues are raised pursuant to RSA 482-A:1.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.87 to Env-Wt 101.88); renumbered by #9131 (from Env-Wt 101.88 to Env-Wt 101.90); renumbered by #9713 (from Env-Wt 101.90 to Env-Wt 101.96)

Env-Wt 101.97 "Surface water body" or "surface waters" means those portions of waters of the state, as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, ponds and tidal waters.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.88 to Env-Wt 101.89); renumbered by #9131 (from Env-Wt 101.89 to Env-Wt 101.91); renumbered by #9713 (from Env-Wt 101.91 to Env-Wt 101.97)

Env-Wt 101.98 "Swamp" means a wetland that is dominated by trees and/or shrubs.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.89 to Env-Wt 101.90); renumbered by #9131 (from Env-Wt 101.90 to Env-Wt 101.92); renumbered by #9713 (from Env-Wt 101.92 to Env-Wt 101.98)

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Env-Wt 101.99 "Tidal buffer zone" means the area extending landward 100 feet from the highest observable tide line. This area can contain wetlands, transitional areas, and natural and developed upland areas.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.90 to Env-Wt 101.91); renumbered by #9131 (from Env-Wt 101.91 to Env-Wt 101.93); renumbered by #9713 (from Env-Wt 101.93 to Env-Wt 101.99)

Env-Wt 101.100 "Tidal flat" means a relatively level landform composed of unconsolidated mineral and organic sediments, usually continuous with the shore, and that is alternately flooded and exposed by the tides.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.91 to Env-Wt 101.92); renumbered by #9131 (from Env-Wt 101.92 to Env-Wt 101.94); renumbered by #9713 (from Env-Wt 101.94 to Env-Wt 101.100)

Env-Wt 101.101 "Tidal flushing" means the influx and outflow of water associated with the ebb and flow of the tide.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.92 to Env-Wt 101.93); renumbered by #9131 (from Env-Wt 101.93 to Env-Wt 101.95); renumbered by #9713 (from Env-Wt 101.95 to Env-Wt 101.101)

Env-Wt 101.102 "Tidal wetland" means a wetland whose vegetation, hydrology or soils are influenced by periodic inundation of tidal waters.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.93 to Env-Wt 101.94); renumbered by #9131 (from Env-Wt 101.94 to Env-Wt 101.96); renumbered by #9713 (from Env-Wt 101.96 to Env-Wt 101.102)

Env-Wt 101.103 "Unnecessary hardship" means a hardship created by a special condition of the land which distinguishes it from other land in the same area. A hardship does not exist if it relates to the personal circumstances of the landowner rather than the land itself.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.94 to Env-Wt 101.95); renumbered by #9131 (from Env-Wt 101.95 to Env-Wt 101.97); renumbered by #9713 (from Env-Wt 101.97 to Env-Wt 101.103)

Env-Wt 101.104 "Upland" means an area of land that is not a jurisdictional area.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.95 to Env-Wt 101.96); renumbered by #9131 (from Env-Wt 101.96 to Env-Wt 101.98); renumbered by #9713 (from Env-Wt 101.98 to Env-Wt 101.104)

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Env-Wt 101.105 "Upland buffer" means an area of land that is contiguous to a jurisdictional resource and that contributes to the functions and values of that resource.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.96 to Env-Wt 101.97); renumbered by #9131 (from Env-Wt 101.97 to Env-Wt 101.100); renumbered by #9713 (from Env-Wt 101.100 to Env-Wt 101.106)

Env- Wt 101.106 "Vernal pool" means a surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and which:

(a) Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to:

- (1) Gravel pit operations in a pit that has been mined at least every other year; and
- (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules; and

(b) Typically has the following characteristics:

- (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
- (2) Forms in a shallow depression or basin;
- (3) Has no permanently flowing outlet;
- (4) Holds water for at least 2 continuous months following spring ice-out;
- (5) Lacks a viable fish population; and
- (6) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators.

Source. #9131, *eff* 4-19-08; renumbered by #9713 (from Env-Wt 101.99 to Env-Wt 101.105)

Env-Wt 101.107 "Watercourse" means any surface water that:

(a) Develops and maintains a defined scoured channel, with evidence of sediment transport, that:

- (1) Is greater than 75 feet in length; or
- (2) Is of any length and connected to another jurisdictional area at either end; and

(b) Is not a drainage swale.

Source. #9713, *eff* 5-12-10

Env-Wt 101.108 "Watershed" means a geographical area in which all water drains to a given stream, lake, wetland, estuary, or ocean.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.97 to Env-Wt 101.98); renumbered by #9131 (from Env-Wt 101.98 to Env-Wt 101.101);

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renumbered by #9713 (from Env-Wt 101.101 to Env-Wt 101.108)

Env-Wt 101.109 "Weephole" means a small drainage opening used to allow proper drainage and prevent frost and ice damage to retaining structures.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.98 to Env-Wt 101.99); renumbered by #9131 (from Env-Wt 101.99 to Env-Wt 101.102); renumbered by #9713 (from Env-Wt 101.102 to Env-Wt 101.109)

Env-Wt 101.110 "Wetland" means "wetlands", as defined by RSA 482-A:2, X, namely "an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands include swamps, marshes, bogs and similar areas.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.99 to Env-Wt 101.100); renumbered by #9131 (from Env-Wt 101.100 to Env-Wt 101.103); renumbered by #9713 (from Env-Wt 101.103 to Env-Wt 101.110)

Env-Wt 101.111 "Wetland creation" means the transformation of upland to wetland at a site where the upland was not created by human activity such as by filling or water diversion.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.100 to Env-Wt 101.101); renumbered by #9131 (from Env-Wt 101.101 to Env-Wt 101.104); renumbered by #9713 (from Env-Wt 101.104 to Env-Wt 101.111)

Env-Wt 101.112 "Wetland restoration" means the re-establishment of a filled, dredged, or drained wetland to its historic condition, so as to restore lost functions to the greatest extent practicable, by removal of fill, restoration of hydrology to the area, or by such other means as are necessary.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.101 to Env-Wt 101.102); renumbered by #9131 (from Env-Wt 101.102 to Env-Wt 101.105); renumbered by #9713 (from Env-Wt 101.105 to Env-Wt 101.112)

Env-Wt 101.113 "Wet meadow" means an herb-dominated area typically with non-woody vegetation less than 3 feet in height, saturated for long periods during the growing season, but seldom flooded. Wet meadows develop on predominantly poorly drained soils as described by Env-Ws 1014.02.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff* 4-25-05; renumbered by #9094 (from Env-Wt 101.102 to Env-Wt 101.103); renumbered by

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#9131 (from Env-Wt 101.103 to Env-Wt 101.106);
renumbered by #9713 (from Env-Wt 101.106 to Env-Wt
101.113)

Env-Wt 101.114 "Wharf" means a docking structure built generally parallel to the shore and used to secure watercraft and/or to discharge and load passengers, freight and other goods.

Source. (See Revision Notes #2 and #3 at chapter heading for Env-Wt 100) #8340, *eff 4-25-05*; renumbered by #9094 (from Env-Wt 101.103 to Env-Wt 101.104); renumbered by #9131 (from Env-Wt 101.104 to Env-Wt 101.107); renumbered by #9713 (from Env-Wt 101.107 to Env-Wt 101.114)

PART Env-Wt 102 STATEMENT OF PURPOSE AND ACCESS TO FILES

Env-Wt 102.01 Purpose. The purpose of these rules is to support the finding of public purpose set forth in RSA 482-A:1. In addition, the department declares that the purpose of these rules shall be to afford the maximum degree of protection for the natural environment while allowing individual landowners the freedom to use and enjoy their land as is consistent with this public purpose.

Source. #2271, *eff 1-10-83*; ss by #2924, *eff 12-11-84*,
EXPIRED: 12-11-90

New. #5028, *eff 12-20-90*; ss by #5536, *eff 12-23-92*; ss by
#6404, INTERIM, *eff 12-21-96*, EXPIRED: 4-20-97

New. #6498-A, *eff 4-23-97*; ss by #8340, *eff 4-25-05* (See
Revision Note #3 at chapter heading for Env-Wt 100)

Env-Wt 102.02 Access to Files. The files of the department are open to public inspection upon reasonable request during normal working hours. Information which is available for public inspection may be copied. The actual cost of producing copies shall be the fee charged for copies made by the department.

Source. #2271, *eff 1-10-83*; ss by #2924, *eff 12-11-84*,
EXPIRED: 12-11-90

New. #5028, *eff 12-20-90*; ss by #5536, *eff 12-23-92*; ss by
#6498-A, *eff 4-23-97*; ss and moved by #8340, *eff 4-25-05*
(from Env-Wt 102.03) (See Revision Note #3 at chapter
heading for Env-Wt 100)

PART Env-Wt 103 SOURCE OF AUTHORITY

Env-Wt 103.01 Statute Granting Authority.

Source. #2271, *eff 1-10-83*; ss by #2924, *eff 12-11-84*,
EXPIRED: 12-11-90

New. #5028, *eff 12-20-90*; ss by #5536, *eff 12-23-92*; ss by
#6404, INTERIM, *eff 12-21-96*, EXPIRED: 4-20-97

New. #6498-A, *eff 4-23-97*; rpld by #8340, *eff 4-25-05*

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APPENDIX

Rule Section(s)	Statute(s) Implemented
Env-Wt 101.01 - 101.09	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.10	RSA 482-A:2, VIII
Env-Wt 101.11 - 101.20	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.21	RSA 482-A:11, III
Env-Wt 101.22 - 101.23	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.24	RSA 21-O:5-a
Env-Wt 101.25 - 101.35	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.36 - 101.45	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.48	RSA 482-A:3, I
Env-Wt 101.49 - 101.80	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.81	RSA 482-A:2, VII
Env-Wt 101.82 - 101.89	RSA 482-A:2; RSA 482-A:3
Env-Wt 101.90	RSA 482-A:2, IX
Env-Wt 101.91	RSA 482-A:1
Env-Wt 101.92	RSA 482-A:4
Env-Wt 101.93 - 101.104	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 101.105	RSA 482-A:2, X
Env-Wt 101.106 - 101.110	RSA 482-A:3, I; RSA 482-A:11, II
Env-Wt 102.01	RSA 482-A:1
Env-Wt 102.02	RSA 91-A